PUBLIC NOTICE

Permit No. 200400365
Issue Date: January 27, 2004
Expiration Date: February 17, 2004

US Army Corps
of Engineers
Kansas City District

21-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: Gale Communities
3620 SW Ward Road
Lee's Summit, MO 64082

PROJECT LOCATION (As shown on the attached drawings): This proposed 400-acre, multi-use, residential/retail development is bounded on the south by Missouri Highway 150, on the north by Hook Road, on the east by Ward Road and on the west by Pryor Road. The property is located in Section 25, Township 47 North, Range 32 West, Jackson County, Missouri.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings)**: Proposed:** The proposed development project, consisting of single-family homes, row homes, duplexes, townhouses, apartments, office space, retail space, streets, utilities and a church, will result in the piping and filling of approximately 7.7 acres of aquatic habitat. The 7.7 acres is comprised of approximately 0.5 acres of intermittent stream channel, 5.4 acres of wetland adjacent to narrow drainage channels and 1.8 acres of isolated (non-jurisdictional) open water farm ponds. According to the applicant, avoidance and minimization of impacts to the aquatic environment has been accomplished to the extent practicable for the project. Approximately 2.9 acres of wetlands and streams will be avoided.

Completed: Grading of the site has begun. Three sediment basins have been constructed across narrow drainage channels in order to contain sediments during construction. One access roadway has been constructed across a drainage channel in order to move construction equipment within the development site. The applicant states that the sediment basins are temporary and will be removed when construction of the site is complete.

WETLANDS: Approximately 9.7 acres of jurisdictional wetland have been delineated on the project site. According to the applicant, unavoidable impacts associated with the project will result in the loss of 5.4 acres of degraded herbaceous wetlands. The applicant has provided a preliminary mitigation plan as compensation for the unavoidable impacts to jurisdictional waters of the United States. The applicant proposes to mitigate for the

unavoidable impacts to wetlands by creating 4.4 acres of wetland, enhancing 2.5 acres of existing (avoided) wetland and creating 3.9 acres of upland (Mesic and Wet Mesic Prairie) buffer around the mitigation areas on the project site. The mitigation areas are planned as public "green-space" to serve the residents of the development. The conceptual mitigation plan is included as Appendix I of this notice.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting **Douglas R. Berka, U.S. Army Corps of Engineers, Kansas City Field Office, 700 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106-2896 at telephone 816-983-3657 (FAX 816-426-2321) or via email at douglas.r.berka@usace.army.mil.** All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

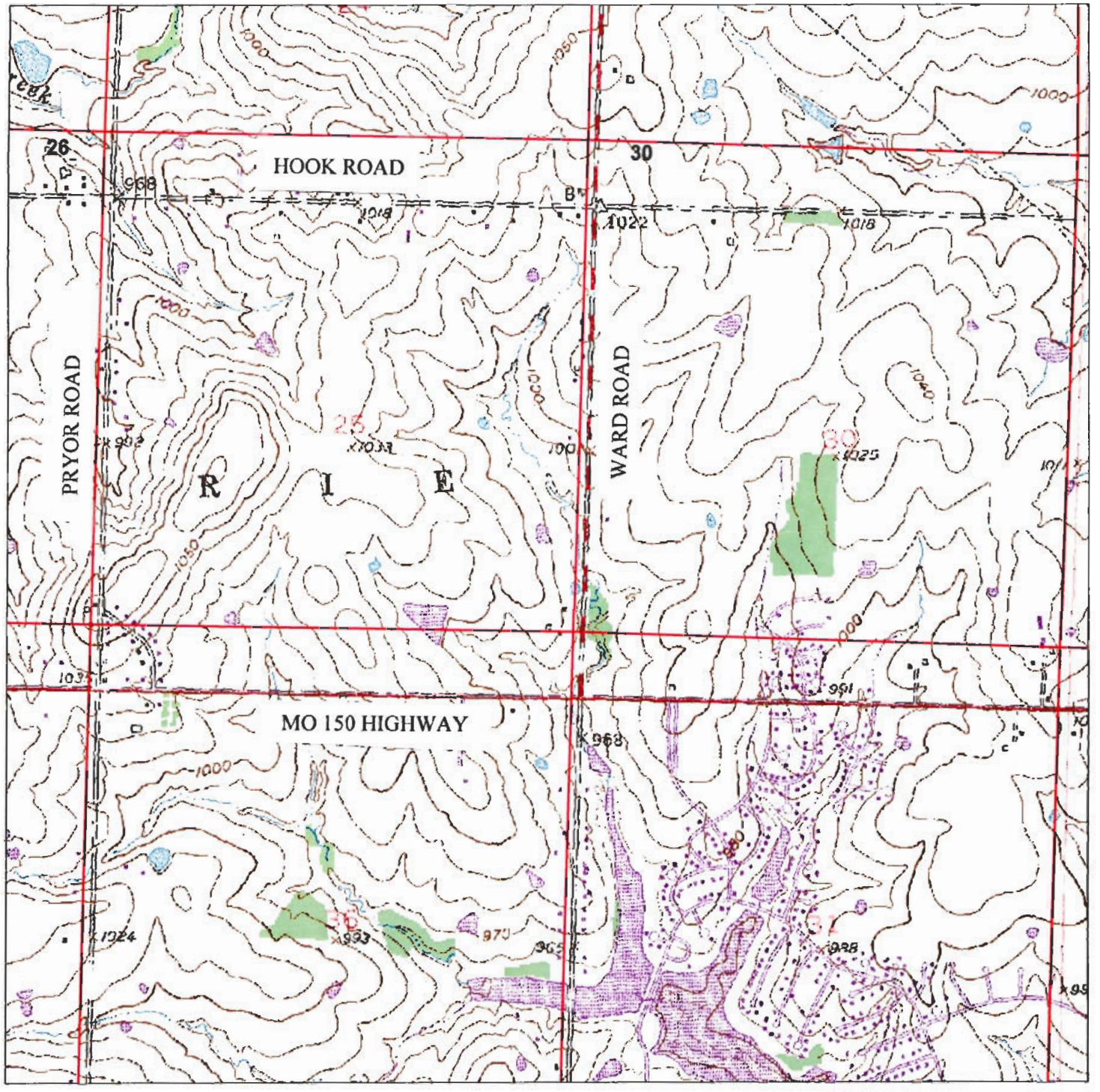
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether

to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

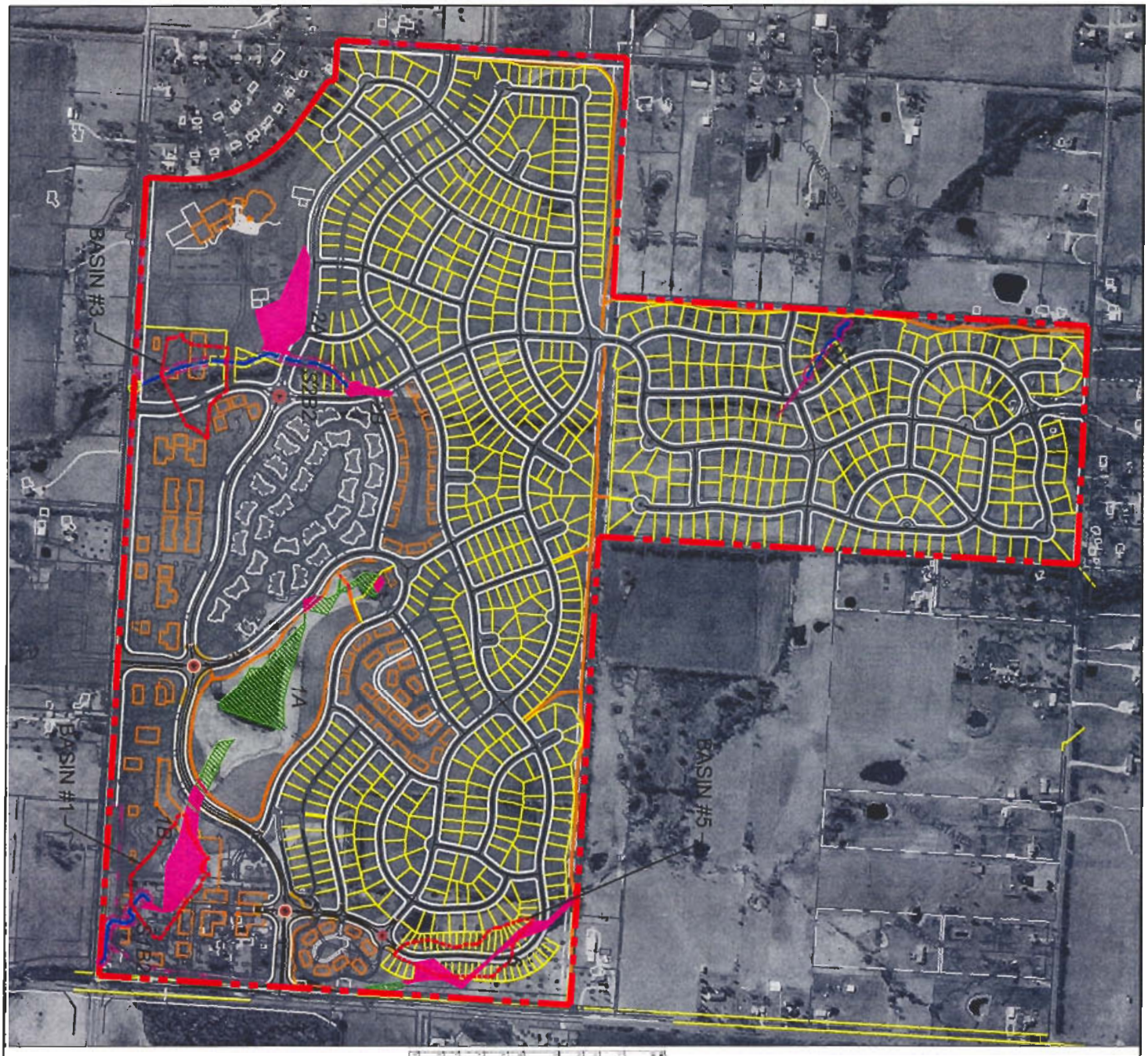
COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

Arbor Walk Development



APPLICATION NO. 200400365
BY GALE COMMUNITIES
FOR FILL IN WETLAND AND
TRIBUTARY TO RAINTREE LAKE
JACKSON COUNTY, MISSOURI
SHEET 1 OF 3



SCALE: 1"= 800'

0 400' 800' 1600'

NORTH

Legend

- Property Boundary
- Delineated Wetland Boundary
- Stream Location
- Wetland ID Number
- Affected Jurisdictional Wetland
- Affected Jurisdictional Waters
- Possible Affected Jurisdictional Waters
- Constructed Sediment Basin

APPLICATION NO. 200400365
BY GALE COMMUNITIES
FOR FILL IN WETLAND AND
TRIBUTARY TO RAINTREE LAKE
JACKSON COUNTY, MISSOURI
SHEET 2 OF 3

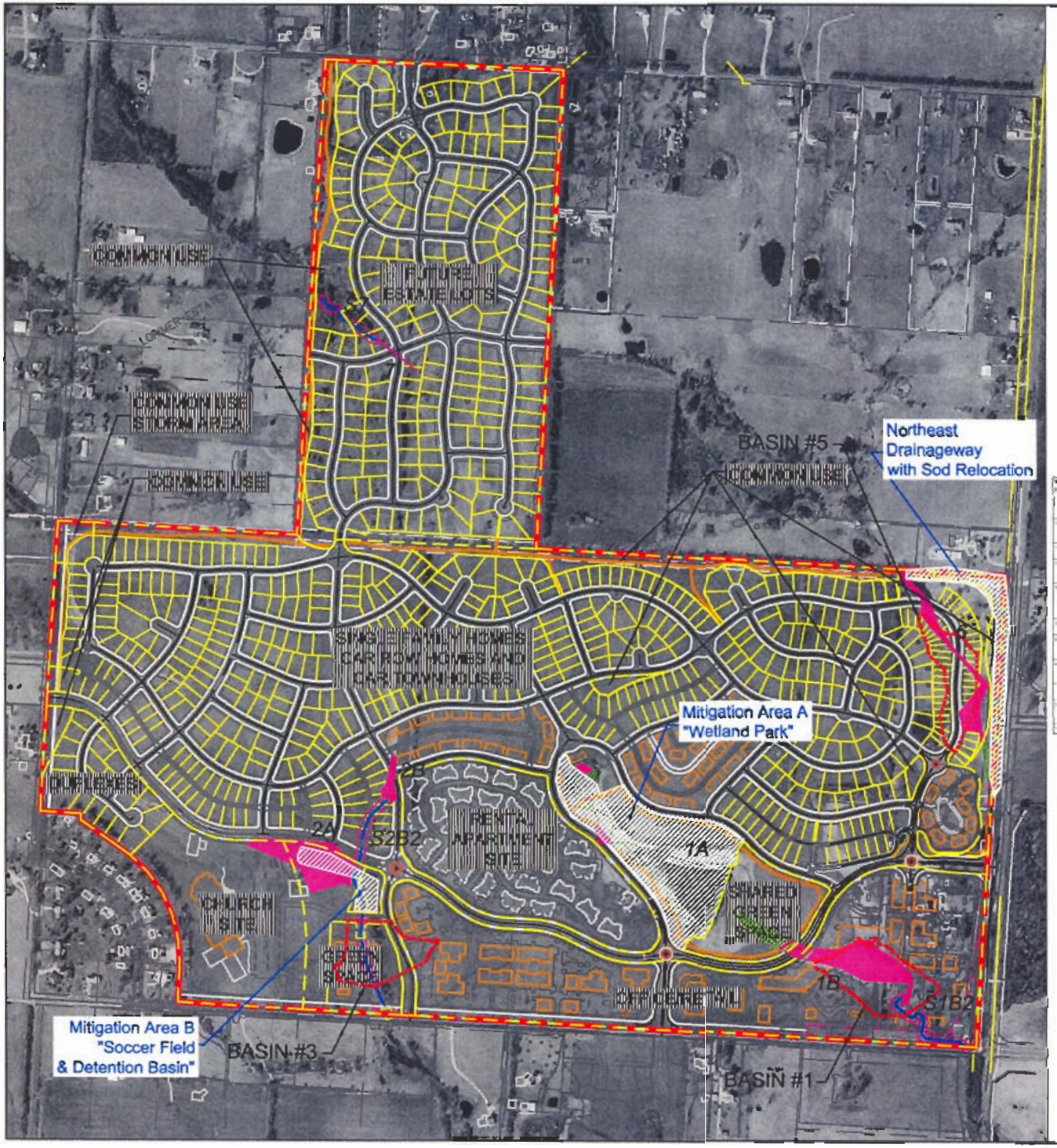
Arbor Walk

Lee's Summit, Missouri

Affected Jurisdictional Wetland Location Map

Drawn By: t.e.g.	AES Project No.: 03-387
Checked:	File Name: base.dwg
Approved:	Date: 07-28-2003

Revisions:			
No	By	Date	Description
1		---	Unreleased
2			
3			
4			
5			



Legend

- Property Boundary
- Delineated Wetland Boundary
- Stream Location
- 2A — Wetland ID Number
- Affected Jurisdictional Wetland
- Affected Jurisdictional Waters
- Possible Affected Jurisdictional Waters
- Constructed Sediment Basin

NORTH

0 400' 800' 1600'

SCALE: 1"= 800'

Revisions:			
No	By	Date	Description
1		---	Unreleased
2			
3			
4			
5			

Development Plan and Mitigation Site Location Map

Drawn By: t.e.g.	AES Project No.: 03-387
Checked:	File Name: base.dwg
Approved:	Date: 07-28-2003

Arbor Walk

Lee's Summit, Missouri

APPLICATION NO. 200400365
BY GALE COMMUNITIES
FOR FILL IN WETLAND AND
TRIBUTARY TO RAINTREE LAKE
JACKSON COUNTY, MISSOURI
SHEET 3 OF 3

Conceptual Wetland Mitigation Plan

It is anticipated that this project will require a standard individual permit from the Corps of Engineers to comply with Section 404 of the Clean Water Act. We anticipate proposed mitigation activities will begin immediately after receipt of permit.

A complete description of the mitigation measures will be detailed in the Wetland Mitigation Program for Arbor Walk, Lee's Summit, Missouri prepared by Applied Ecological Services, Inc. This document will be submitted following the USACE approval of the conceptual design. The enhancements proposed in the Wetland Mitigation Program will mitigate for all the impacts to jurisdictional wetlands and waters of the U.S. that are proposed for Arbor Walk Development activities.

Avoidance
Due to the location of the nine jurisdictional wetlands and waters of the U.S. within the project area, complete avoidance is not an acceptable option. Avoidance has been done to the extent possible, and consistent with the restoration and development program on this property.

Minimization
Minimization has been done to the extent possible, and consistent with the restoration and development program on this property. Salvage and relocation of sod from the creek channel (Wetland 6) to the bed of the proposed northeast drainageway will reduce the impact to the resources. Proposed enhancement of the planned northeastern drainageway includes a series of stream restoration techniques focused on establishing a stable channel hydraulic geometry, dimension and form. The drainage way will convey stormwater from 240 developed upland acres. The trapezoidal drainageway will have a flat streambed 12 feet wide with a shallow slope. It is expected to convey 10.5 ft/s during a 100-year flood event. The use of grading, soil bioengineering and other planting strategies will stabilize the streambeds and banks. These techniques will use re-located sedge meadow sod installed into the banks and beds of a stream using low-technology methods (e.g. hand worker, light duty machinery). As the root systems grow together, these plantings become more stable and thus these treatments are the weakest on the day of installation. In addition and in contrast to hard engineering solutions, these plantings provide wildlife habitat benefits; can be more aesthetically appealing than rock, broken cement, and steel pylons; and work to stabilize eroding stream channels. *The Arbor Walk team is not seeking mitigation credit for this activity; it is our intention to gain necessary credit from enhancement and creation measures.*

Enhancement
The Wetland Mitigation Program for Arbor Walk, Lee's Summit, Missouri proposes enhancement of the degraded drainageway Wetland 1A. We will enhance an existing 2.5-acre monotypic wetland. Enhancement activities include supplemental seeding to increase species composition and control of invasive plant populations. In addition, sediment basins and wetland biofilters will be integrated into the adjacent area to control stormwater quantity and water quality improvements.

Creation
The Arbor Walk development seeks to restore the wetlands on the subject property. An analysis of the property indicates that there are approximately 10 acres of green space adjacent to Wetland 1A in the area termed the "wetland park" and approximately one acre of green space in/adjacent to Wetland 2A where a

"soccer field/detention basin area" is planned (Development Plan and Mitigation Site Location Map). Mitigation in these areas is proposed to allow the filling of wetlands and waters of the U.S. required for project improvements. A dam structure in the area of wetland 1A was formerly constructed to provide detention. The original water source (ground and surface water) continues to supply this area so the structure still detains open water. Surface water from the surrounding uplands will provide the hydrology to maintain additional wetland acreage. Reed canary grass is currently the dominant species in this basin. Surface water from the surrounding uplands to the north of the "soccer field/detention basin" will provide wetland hydrology for this proposed mitigation area.

The wetland creation proposed at the Arbor Walk development will affect Wetlands 1A and 2A. Wetland 2A will be excavated for a detention area designed to contain a soccer field and mitigation area. The western portion of the wetland will be filled for a church site. Wetland 1A will be filled for roadways and an activity center. The remainder of Wetland 1A will be enhanced.

Adverse impacts to wetlands due to wetland creation activities would be self-mitigating. Adverse impacts include the excavation and fill of part of these wetlands in order to construct sedimentation basins to improve the water quality of stormwater runoff proposed to enter higher quality enhancement and mitigation areas. Restoration, excavation, stabilization and plantings in the existing Wetland 1A will occur as a part of the wetland mitigation program. The actual wetlands of the U.S. that would be impacted by the creation of sediment basins are a very small acreage (see Conceptual Grading Plans). Expansion of Wetland 1A will also occur along its south boundary in order to mitigate for acreage converted for sediment basins. The design maintains the hydrological connection between the swale's northwestern point and southeastern point. Because the Arbor Walk mitigation plan has a focus on habitat restoration and conservation, we anticipate that the activities proposed would add ecological value to the highly degraded wetland and also create a visual amenity.

The proposed mitigation in these areas utilizes a "stormwater treatment train" approach in order to restore native habitats that contribute to stormwater quality improvement. The mitigation areas will provide sediment traps, maintain water quality, and improve species richness both in created and existing wetlands. Without the proposed mitigation and enhancement measures, stormwater from the site will continue to degrade wetlands on- and off-site, including the spread of the invasive reed canary grass (*Phalaris arundinacea*).

The Conceptual Grading Plans depict sediment basins, wetland biofilters and swales. The sediment basins will provide the initial treatment of stormwater. The basins will be 3 ft deep to allow for water quality improvements accommodated by settling of suspended contaminants and anaerobic conditions. The wet basin conditions are achieved by 1) using an outflow above normal water levels, 2) intercepting the ground water table, and 3) over time they develop a bottom seal that prevents vertical movement of water to substrate below the basin. In order to accommodate aesthetic concerns, and increase wetland habitat, we will design the basins to have littoral shelves--shallow areas that will be vegetated with emergent vegetation around a central aquatic zone. A wet prairie composed of hardy, stormwater-tolerant native species, and a mesic prairie buffer will surround the emergent zone. Water will drain from the sediment basins surface water outlet control structures or tile lines that will allow water to seep into a series of created wetlands including shallow depressions and long swales vegetated with native wet prairie and emergent species. Stormwater will be directed into sediment basins and through a series of wetland habitats prior to 1) entry into the large deeper natural wetland, in the case of the "wetland park" or 2) flowing off site, in the case of the "soccer field/ detention area." The hydrological connections will be designed in detail following conceptual approval.

The enclosed Conceptual Planting Plans illustrate that the Arbor Walk team proposes to create a diverse mix of habitats to provide the greatest variety of functions. Planting designs for all zones will include species of different texture, canopy structure, flowering time and color in order to establish conditions unfavorable to noxious weeds, promote cover for wildlife, and provide seasonal interest for the public.

Table 2. Proposed Acreage for Wetlands Impacted and Mitigated. Refer to Affected Jurisdictional Wetlands Map and Conceptual Planting Plans.

Total Wetlands and Waters of the United States Impacted:	5.75 AC
Total Wetlands Enhanced:	2.54 AC
Total Wetlands Created:	4.39 AC
Total Upland Buffer Created (Mesic and Wet Mesic Prairie):	3.86 AC

Legend

Existing / Proposed

- Property Line
- Contour Elevation (1060)
- Limit of Grading
- Delineated Wetland
- Natural Wetland Boundary
- Water Flow Direction

NORTH

SCALE: 1"= 200'

0 100' 200' 400'

Arbor Walk

Lee's Summit, Missouri

Wetland Park
Conceptual Grading Plan

Drawn By: t.e.g.	AES Project No.: 03-387
Checked:	File Name: base100303.dwg
Approved:	Date: 10-27-2003

Revisions:

No	By	Date	Description
1		- - - -	Unreleased
2			
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APPLICATION NO. 200400365
PROPOSED MITIGATION PLAN
SHEET 1 OF 4

Legend

Existing / Proposed

- Property Line
- Natural Wetland Boundary
- Limit of Grading
- Water Flow Direction
- Aquatic 0.16 Ac.
- Emergent 1.29 Ac.
- Wet Prairie 2.12 Ac.
- Wet Mesic Prairie 0.39 Ac.
- Mesic Prairie 2.73 Ac.
- Enhanced Natural Wetland 2.54 Ac.

NORTH

SCALE: 1"= 200'

0 100' 200' 400'

Arbor Walk

Lee's Summit, Missouri

Wetland Park Conceptual Planting Plan

Drawn By: t.e.g.	AES Project No.: 03-387
Checked:	File Name: base100303.dwg
Approved:	Date: 10-27-2003

Revisions:

No.	By	Date	Description
1			Unreleased
2			
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APPLICATION NO. 200400365
PROPOSED MITIGATION PLAN
SHEET 2 OF 4

Legend

Existing Proposed

- Property Line
- 1060 — Contour Elevation
- Limit of Grading
- Delineated Wetland
- Natural Wetland Boundary
- Water Flow Direction
- Constructed Sediment Basin

NORTH

0 100' 200' 400'

SCALE: 1"= 200'

Revisions:			
No	By	Date	Description
1			Unreleased
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3			
4			
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Soccer Field/Detention Basin
Conceptual Grading Plan

Drawn By: t e g | AES Project No.: 03-387
Checked: | File Name: base100303.dwg
Approved: | Date: 10-27-2003

Arbor Walk
Lee's Summit, Missouri

APPLICATION NO. 200400365
PROPOSED MITIGATION PLAN
SHEET 3 OF 4

Legend

Existing / Proposed

- Property Line
- Limit of Grading
- Natural Wetland Boundary
- Water Flow Direction
- Aquatic 0.04 Ac.
- Emergent 0.29 Ac.
- Wet Prairie 0.49 Ac.
- Wet Mesic Prairie 0.19 Ac.
- Mesic Prairie 0.55 Ac.
- Constructed Sediment Basin

NORTH

SCALE: 1"= 200'

0 100' 200' 400'

Arbor Walk

Lee's Summit, Missouri

Soccer Field/Detention Basin Conceptual Planting Plan

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APPLICATION NO. 200400365
PROPOSED MITIGATION PLAN
SHEET 4 OF 4